THE HON'BLE MR JUSTICE V.V.S.RAO

-

WRIT PETITION No.10564 of 1999

-

Dated:07.03.2006

Between:

Gram Panchayat, Madalavalasa, Ponduru Mandal, Srikakulam District, and others.

..... PETITIONER

AND

The District Collector, Srikakulam District, Srikakulam, and others.

.....RESPONDENTS

THE HON'BLE MR JUSTICE V.V.S.RAO

-

WRIT PETITION No.10564 of 1999

ORDER:

-

The Gram Panchayat, Madalavalasa, and three residents of S.C.B.C. Colony of the said Gram Panchayat filed the instant writ petition seeking a writ of mandamus declaring the action of the respondents in proceeding with the construction of a building on public road in S.C.B.C. Colony situated at Madalavalasa Village, Ponduru Mandal, Srikakulam District. It is the case of the petitioners that the

S.C.B.C. Colony has come up in an approved layout, and specific areas were earmarked for specific purposes. The second respondent without obtaining any permission started construction of the building on the public road. The Gram Panchayat passed a resolution on 30.04.1999 directing the second respondent to stop the construction, and in spite of the same, the construction is being made in contravention of Section 121 of the Andhra Pradesh Panchayat Raj Act, 1994.

The Additional Project Coordinator, District Primary Education Programme (DPEP), Sri Malleswara Rao, filed a counter affidavit on behalf of the respondents. While denying the various allegations, it is stated that an amount of Rs.85,000/- was sanctioned under DPEP for construction of additional classroom to Upper Primary School, Madalavalasa. The District Collector issued administrative sanction on 12.11.1998 and the Deputy Executive Engineer, Srikakulam, issued technical sanction on 24.03.1999. In view of the same, the work of construction of additional classroom was commenced on 02.04.1999 and it was completed on 31.08.1999. The allegation that the construction was being made on the public road is denied. It is further stated that the present construction is being made as annexure to the existing old building in the school premises, which has compound wall on all four sides. Though the counter affidavit was filed, no reply affidavit is filed. This only shows that the writ petition is filed on a factual foundation, which is not sound. The counter averments that the construction is being made as annexure to the existing school building within the compound walls, would belie any contention that the construction is being made by encroaching the public road.

The Writ Petition is devoid of merits, and is accordingly dismissed. No costs.

_____

(V.V.S.RAO, J)

07.03.2006

vs